IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

Crl.MC.No. 3307 of 2007()

CRIME NO. 259/07 OF KOZHINJAMPARA POLICE STATION
CMP.5379/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, CHITTUR

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PETITIONER: ACCUSED

E.SARAVANAN, AGED 34 YEARS
S/O. ISWARA MURTHY,PUTHUKKUDY HOUSE
VADUKAPALAYA ROAD, PALLADAM, TAMIL NADU.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA REP. BY
SUB INSPECTOR OF POLICE,KOZHINJAMPARA
POLICE STATION, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.
(INVESTIGATING OFFICER IN CRIME NO. 259/07 OF
KOZHINJAMPARA POLICE STATION.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/11/2007, ALONG WITH CRMC NO. 3309 OF 2007 & 3407 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.Nos. 3307, 3309 &
3407 of 2007

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Dated this the 12th day of November, 2007

O R D E R

The petitioners are owners of motor vehicles which are allegedly involved in Crime No.259 of 2007 of Kozhinjampara police station. Those vehicles have been seized and are in the custody of the police now.

2. The crux of the allegations is that forged documents were used for transportation of consignments of chicken by the owner of such consignments (first accused in the case). He had hired the services of the vehicles of the petitioners. According to the petitioners, they have bonafide hired their vehicles to carry the consignments. They were blissfully unaware that the documents used for transportation by the owner of the consignments were false or forged. The vehicle are now in the custody of the police exposed to sun and rain. Though the petitioners applied for release of the vehicles, the learned

Magistrate had not directed release of the vehicles. The petitioners pray that the vehicles may be released to them.

3. The learned Prosecutor, after taking instructions, submits that the investigation has led the police to the inference that the petitioners - owners of the vehicles - are not in any way contumaciously involved in the forging of documents or in the transportation of the consignments on the basis of the said documents. In these circumstances the State does not have any objection in the vehicles being released to the petitioners, subject to appropriate safeguards.

4. In the light of the stand taken by the learned Prosecutor and in the light of the decision in **Sunderbhai Ambalal Desai** v. **State of Gujarat** (2003 (2) KLT 1089), I am satisfied that appropriate directions can be issued in favour of the petitioners.

5. These Crl.M.Cs. are allowed. The vehicles shall be released to the respective petitioners on the following terms and conditions.

(1) The petitioners shall produce documents to satisfy the learned Magistrate that they are the persons entitled for possession of the vehicles.

(2) They shall execute bonds for such amounts - equal to the value of the vehicles - as can be determined by the learned Magistrate in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(3) The petitioners shall produce the vehicles before the Court or such authorities as may be directed by the learned Magistrate from time to time.

(R. BASANT)
Judge

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